

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Mag. No. 2007-34 (b)
v.)	
)	
ESTEBAN H. FERRAND,)	
)	
Defendant.)	
_____)	

ORDER

This matter came before the Honorable Geoffrey W. Barnard, United States Magistrate Judge, on Wednesday, January 2, 2007, for preliminary and detention hearings pursuant to 18 U.S. C. § 3142 and Fed. R. Crim. P. 5.1, respectively. The defendant is charged with violating Title 18 U.S.C. §1028(a)(4). The Government was represented by Ishmael A. Meyers, Jr., Assistant United States Attorney, and the defendant was represented Jesse Gessin, Federal Public Defender.

The government offered the testimony of Alicia Blyden, Special Agent with the United States Immigration and Customs Enforcement ("ICE"). Special Agent Blyden testified that she became involved in the case on December 14, 2007. Special Agent Blyden further testified that the defendant was stopped by the Virgin Islands Police Department for a traffic violation. Additionally, she testified that the defendant was transported to the ICE office in Estate Nisky when he could not present a valid Virgin Islands license. She further testified that the defendant

USA v. Esteban Hernandez Ferrand
Mag. No. 07-51(b)
Order
Page 2 of 4

was interviewed and stated that his correct name was Esteban Hernandez Ferrand and that he entered the Virgin Islands without inspection through St. Croix.

Special Agent Blyden further testified that at the time of the traffic stop, the defendant was driving a truck that belonged to Emerald Beach Resort and that a check of his employment records indicated that he presented a Puerto Rican drivers license and a social security card with the name Francisco Ortiz Marquez as proof of citizenship.

The defendant presented no testimony. The Court finds that there is sufficient evidence to support a finding that probable cause exists to believe that the defendant committed the offense charged.

Title 18 U.S.C. § 3142 authorizes the court to detain a defendant if the court is convinced that there exists a serious risk that the defendant will flee the jurisdiction and there are no conditions that will assure the defendant's appearance at future proceedings. The defendant entered the territory illegally, does not appear to have any ties with the community and an immigration detainer has been lodged against him. Further, the defendant offered no third-party custodian or any sureties for the court's consideration. Accordingly, it is hereby

USA v. Esteban Hernandez Ferrand
Mag. No. 07-51(b)
Order
Page 3 of 4

ORDERED that the defendant will be held to answer in the District Court of the Virgin Islands to the charges of violating title 18 U.S.C. § 11028(a)(4); it is further

ORDERED that the defendant will be detained, without prejudice, and will be committed to the custody of the United States Attorney General for confinement in a Corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; it is further

ORDERED that on order of the Court or on request of the United States Attorney, the Warden of the Bureau of Corrections will deliver the defendant to the United States Marshal for the purpose of appearance in connection with court proceedings; and it is further

ORDERED that the defendant will be allowed reasonable opportunity for private consultation with his counsel.

DATED: January 7th , 2008

/s/ Geoffrey W. Barnard
GEOFFREY W. BARNARD
U.S. MAGISTRATE JUDGE

ATTEST:
Wilfredo F. Morales
Clerk of Court

By: _____
Deputy Clerk

USA v. Esteban Hernandez Ferrand
Mag. No. 07-51(b)
Order
Page 4 of 4

Copies to:

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Jesse Gessin, Esq., AFD
U.S. Probation

Claudette Donovan
Sharline L. Rogers
U. S. Marshal